

Testimony before the Joint Committee on Appropriations regarding House Bill 7027, An Act Concerning the State Budget for the Biennium Ending June 30, 2019

Daniel J. Klau, President, Connecticut Council on Freedom of Information

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Good afternoon Chairwoman Osten, Chairman Formica, and Chairwoman Walker and honorable members of the Appropriations Committee my name is Daniel Klau, and I am the president of the Connecticut Council on Freedom of Information (CCFOI). CCFOI's mission is to advocate and promote strong Freedom of Information Laws and other laws that help guarantee the rights and liberties of journalists and other persons under the First Amendment to the United States Constitution and Article First of the Connecticut Constitution. We appreciate the opportunity to share our views on the Governor's Proposed Budget for the 2018 and 2019 Biennium, as contained in HB 7027, An Act Concerning the State Budget for the Biennium ending June 30, 2019.

CCFOI believes that the proposed cuts to the Freedom of Information Commission's (FOIC) budget—coming after several years of draconian cuts to the agency—will leave the FOIC unable to fulfill its statutory mission.

As Colleen Murphy, the Executive Director of the FOIC, explained in her testimony earlier today, the Commission has watched as its staff was reduced by nearly 45% since 2011 (from 23 to 13 filled positions). Its budget was reduced from \$2.4 million to approximately \$1.5 million over the past five years. And during this period the Commission's caseload has increased significantly.

The staffing and budget cuts that the FOIC has experienced are disproportionate to the cuts other agencies have experienced. As an attorney who regularly practices before the FOIC, I have seen firsthand the negative effect of the budget cuts on the Commission's ability to handle

its increasing case load. There is no “fat” to trim from the FOIC and further reductions in agency personnel and operating budget will effectively neuter the agency.

CCFOI is also concerned about what appears to be a deteriorating relationship between the FOIC and the Office of Policy & Management. Years ago the General Assembly passed a law that gives budgetary independence to the FOIC. Under the law, the FOIC is entitled to present its proposed budget to OPM, which must then include the FOIC’s proposal in the budget OPM submits to the General Assembly. Further, the Executive Branch has extremely limited authority to reduce the FOIC’s budget through rescissions, holdbacks and other mechanisms. Yet over the past several years we have repeatedly witnessed OPM seemingly ignore the law protecting the FOIC’s budgetary independence. The FOIC has had to engage the public and the members of the General Assembly to protect that independence.

The state of affairs in our nation’s capitol underscores the need for open and transparent government. Democracy cannot flourish behind closed doors. An independent and properly staffed Freedom of Information Commission is essential to our state democracy. CCFOI respectfully urges the Joint Committee to support the FOIC’s budget proposal for the coming biennium.